

CITY OF TAKOMA PARK, MARYLAND
PRESENTATION, REGULAR MEETING AND WORKSESSION
(Adopted September 26, 2005)

September 12, 2005

PRESENT:

Mayor Porter	City Manager Matthews
Councilmember Austin-Lane	City Clerk Carpenter
Councilmember Barry	Communications Director Moffet
Councilmember Elrich	Recreation Director Haiduven
Councilmember Ritzo	Deputy Recreation Director Corley
Councilmember Seamens	Community and Government Liaison Ludlow
Councilmember Williams	

The meeting was called to order at 7:30 p.m. in the Municipal Building Council Chambers, 7500 Maple Avenue, Takoma Park, Maryland.

COUNCIL COMMENTS

Mr. Williams requested that any pending committee appointments be dealt with by the Council.

Mr. Williams commented on the two development projects in or adjacent to Ward 3, the East Hampshire Center and the IBG development in Old Town. He asked that anyone interested in more information contact him or Councilmember Austin-Lane. He indicated that both developments will have to be scheduled for review at future Council meetings.

Mr. Williams announced the Community Center grand opening, scheduled for Saturday, October 22.

Mr. Seamens noted public comments last week about the lack of preparedness for Hurricane Katrina in New Orleans and the need to focus on emergency preparedness in Takoma Park.. He asked if something will be scheduled on a Council agenda.

Ms. Austin-Lane requested that the issue be moved forward as quickly as possible.

Ms. Austin-Lane noted that EYA, the developer for the Metro green space, will be holding meetings to present their most current plan to the community. She said she believes that the public needs a chance to review and respond at a future date. Ms. Austin-Lane requested that the Council take up the issue in a formal way and have the developer make a presentation to Council to get public comments.

Mr. Barry provided a reminder about the two forums on gang activity.

Ms. Porter noted that the success of the Folk Festival is a tribute to the work that Lenore Robinson did over the years.

Ms. Porter said she attended the annual retreat for MML board members where they discussed the board's strategic plan. She said she chairs the subcommittee on municipal revenue issues and is encouraging the board to make it a permanent committee.

Ms. Austin-Lane commented that she walked through the 7133 Carroll Avenue property which is being rehabilitated. She noted that she is pleased with the work being done there. Ms. Austin-Lane noted a couple of problem spots with the Carroll Avenue Streetscape Project. She said she is interested in this being completed this Fall, without any remaining issues.

Mr. Williams noted that the Fire Station project is going to Park and Planning for mandatory referral at the end of this month. The project is still on track for a January start.

Ms. Porter commented on a neighborhood celebration to note the new Carroll Avenue bridge.

ADOPTION OF MINUTES - June 6, 2005, June 13, 2005, June 20, 2005, July 5, 2005, July 11, 2005

Motion by Williams; second by Barry. The minutes were adopted (VOTING FOR: Porter, Austin-Lane, Barry, Ritzo, Seamens, Williams; ABSENT: Elrich).

PUBLIC COMMENT PERIOD

Mr. Pat Loveless, 7620 Maple Avenue, spoke about the need for stricter penalties for drug offenses around housing for the elderly and disabled.

PRESENTATION

1. Update on the Community Center Construction Project

Ms. Matthews reported that the installation of the new gas meter should commence on September 13. After they switch out the gas meter, there is one more week of work for James F. Knott. Once their work is completed, we will be able to schedule our inspections. Staff is meeting weekly to prepare for the move. With the uncertainty, we are planning to notify the public as information becomes available. Will post the information on the web site and ask for Council's assistance with communicating to the public. Ms. Matthews said she is continuing to do weekly walkthroughs of the construction.

Mr. Williams commented on the continuing need for a temporary sidewalk. Councilmembers concurred that it should be installed as soon as possible.

Mr. Williams asked the City Manager to discuss her proposal for landscaping.

Ms. Matthews said she has had cursory discussions about landscaping. A variety of tree species are in the contract. They will deliver them to us, and we will plant them and get a credit. We had previously included \$30,000 for the bridge, the rear of the building, and the plaza, recognizing that financial considerations must be taken into account. We plan to include additional landscaping. The City Gardener has suggested we wait until the construction is complete, and put the focus on the pedestrian bridge. He and Howard Kohn have suggested six planters along the bridge and some benches. This is about \$13,500 which is not in the project budget, if this is something the Council would like to do in lieu of the \$30,000.

Council agreed to go forward with this plan

REGULAR MEETING

2. 1st Reading Ordinance re: 2005 Nominating Caucus and City Election

In response to questions from Council, Ms. Matthews said that staff is working out accessibility issues to ensure that anyone who has mobility problems can enter the polling place.

Motion by Williams; second by Barry.

Mr. Elrich moved to amend the ordinance at Section 1(B) to change the order of nominations at the Nominating Caucus to have the nominations for Mayor follow the nominations for Councilmembers. Seconded by Ms. Austin-Lane.

Staff was directed to check the City Code and Charter to ensure that this change would be in compliance.

Ordinance 2005-27 was accepted at first reading (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

Following the vote, the City Manager conducted a random drawing to determine the order of nominations by ward. The resulting order was: Ward 5, Ward 1, Ward 2, Ward 6, Ward 4, Ward 3.

Ordinance 2005-27 (Attached)

3. Resolution re: Federal Legislation on Cable Franchising Issues

Communications Director Moffet explained the proposed federal legislation. She indicated that one of the bills would grant a national cable franchise. The second bill would terminate all franchises upon its enactment. Both have some way of compensating local government. The City collects a 5% franchise fee on gross revenue. In addition, the City gets annual support for capital equipment. The City could lose \$1.7 million over the next seven years if the legislation is

enacted. Ms. Moffet explained other benefits that would be lost. She urged adoption of the resolution opposing the legislation.

Motion by Barry; second by Seamens.

Mr. Loveless, Maple Avenue, spoke in support of the resolution.

Resolution 2005-67 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

Council briefly discussed strategy for lobbying against the legislation.

**Resolution 2005-67
(Attached)**

4. 2nd Reading Ordinance re: Contract for Renovation of the Second Half of the Community Plaza Level of the Community Center

Ms. Matthews noted changes made to the ordinance since first reading, including 1) adding the words “cost that is expected to be” to allow the City to negotiate a lower price and 2) adding \$18,361 for rough in of the kitchen.

Ms. Matthews said the rough in will be for the kitchen without an exhaust hood which will limit the type of food preparation to that which can be heated in an oven. The kitchen can be used by caterers to heat and serve food but food cannot be prepared there.

In response to questions from Council, Ms. Haiduven indicated that her research revealed that a microwave oven is not permissible for reheating food for catering purposes because of the uneven nature of the heating.

Council questioned Ms. Matthews on the cost estimate for the drainage work. She indicated that the amount is a “not to exceed price.” The estimate will be carefully reviewed. She will seek to gain more time to have the Public Works Department evaluate the situation.

Councilmembers expressed continued concern with the cost of the security system.

Ms. Ludlow addressed the issue. She said that staff has looked for ways to reduce the cost through extensive review, discussions, and a series of meetings with staff. The City’s responsibility is to ensure safety of the public and the employees. We could not find a way to do this otherwise. If Council removes the money, the bidder is under no responsibility to design a lesser scope of work..

Council discussed the security system included in the contract, asking staff what other alternatives might be available to secure the building, who would be monitoring the cameras,

why additional bids were not obtained for the security system, and if the system will lower the building's liability cost.

Motion by Williams; second by Austin-Lane.

Ordinance 2005-26 was adopted by roll-call vote, as amended since first reading (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

Ordinance 2005-26
(Attached)

BREAK

Council recessed for a scheduled break at 9:30 p.m. and reconvened at 9:44 p.m.

5. 1st Reading Ordinance re: FY06 Budget Amendment No. 1

Ms. Matthews reviewed the items included in the budget amendment: the new trash truck which was delivered after the start of the new fiscal year, the partial funding of the furniture purchase for the Community Center, the additional borings and utility location related to the possible construction of a gym. She said the funds Council authorized for the Community Center landscaping would be included at second reading of the ordinance.

Mr. Seamens requested confirmation that the borings would include sampling in the area of the possible gym and the area behind the old Municipal Building to check viability of constructing additional below ground parking.

Motion by Elrich; second by Barry.

Ordinance 2005-28 was accepted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

Ordinance 2005-28
(Attached)

6. 2nd Reading Ordinance re: FY05 Budget Amendment No. 3

Ms. Matthews noted that a notice had been provided on the agenda to indicate that in adopting this ordinance the Council would be acting as the Stormwater Management Board.

Ms. Matthews commented that the auditors have started their work. She indicated that, since first reading of the ordinance, the Finance staff suggested that the transfer to the Stormwater Management Fund be increased to \$17,000. She said she checked with City Attorney about timing of budget amendment. With large capital projects, it is difficult to determine when expenditures will hit. They are applied when work is completed, not when invoiced and paid.

Work that was done in May was paid for on July 8. Invoices are submitted to the general contractor, then the architect, then the construction manager. It is difficult to assess timing with large capital projects.

Motion by Williams; second by Elrich, to convene as the Stormwater Management Board.

The motion carried unanimously.

Mr. Seamens commented that the budget is a predictive document, a plan for the year and guidance to staff. Plans can change and so Council amends the budget. Mr. Seamens said that, in the future, budget amendments after the end of the fiscal year should be minimized. The budget is a controlling document for the Council. He commented that he wants to have a discussion of financial controls.

Mr. Elrich said he appreciated the City Manager's explanation.

Ms. Matthews said that the Charter requires that the funds be in balance. She noted that these things have been discussed publicly. It is timing.

Mr. Elrich asked if the City Manager could have offered her best guess in May or June.

Ms. Matthews responded that she could have brought this forward earlier, but given that there were two months of charges, she waited to bring this to Council.

Council questioned Ms. Matthews further on how the over expenditure might have been handled differently.

Mr. Williams suggested that if budget amendments need to be done more often than quarterly, Ms. Matthews should bring them to Council. He proposed that if, as in this situation, the amendment could be prepared on an estimated amount earlier, allowing for a smaller budget amendment later. Council has not previously done both readings after the close of the fiscal year.

Motion by Williams; second by Barry.

Ordinance 2005-25 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

Ordinance 2005-25

(Attached)

7. Resolution re: Issuance of Temporary Parking Permits

Ms. Matthews commented that Eastern Avenue construction is resulting in parking problems for certain residents who will temporarily lose their parking. The resolution will authorize staff to issue temporary parking permits to them. A long term solution may need to be developed after

the construction is completed.

Mr. Williams suggested changes to the resolution to allow the permits to be issued for the duration of the project.

Motion by Williams; second by Elrich.

Resolution 2005-68 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

**Resolution 2005-68
(Attached)**

CONSENT AGENDA

- A. Resolution Providing for an Appointment to the Committee on the Environment**
- B. Resolution providing for appointments to the Safe Roadways Committee**
- C. Resolution providing for an appointment to the Arts and Humanities Commission**

Ms. Austin-Lane removed the appoints to the Safe Roadways Committee from the consent agenda. She moved to appoint Jay Lee to the Committee (term to expire in 2008) and to direct staff to recommend modifications to the City Code to allow the PSCAC to annually notify the City Clerk of their choice to serve on the Safe Roadways Committee.

Second by Seamens.

The motion was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

Resolution 2005-69 was adopted, appointing Jay Lee to the Safe Roadways Committee.

**Resolution 2005-69
(Attached)**

The remainder of the consent agenda was adopted upon motion by Williams; second by Elrich (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

**Resolution 2005-70 Providing for an Appointment to the Committee on the Environment
(Attached)**

**Resolution 2005-71 Providing for an Appointment to the Arts and Humanities Commission
(Attached)**

WORKSESSION

9. Community Center Use and Rental Policies

Ms. Matthews noted that at the July 25 Council meeting, Council agreed to nine free rentals for recognized tenant associations and condo associations, and legally recognized nonprofits comprised mainly of Takoma Park residents. These organizations would be asked to provide a list of members and statement of activities.

Council had concerns about a number of groups that did not fit into the categories and asked the City Manager to come back with a recommendation. Ms. Matthews said she discerned four categories: those that provide financial support to the City or a direct public service (such as Friends of the Library and the Takoma Park Volunteer Fire Department); the festivals cosponsored by the City or that are supported by the City, groups that have formal or informal partnerships with the City (Youth Soccer, Boys and Girls Clubs). Staff intends to formalize these partnerships. Another category consists of organizations that have historically met in the facility. Based on Matt Corley's research, these groups are primarily non Takoma Park residents. These include the Takoma Artists Guild, the Takoma Park Singers, the Takoma Park Community Band and the Swing Band. Staff recommends that these also be provided nine free rentals.

Ms. Porter asked which fee structure would they be charged. She said the Singers and the Band have reminded her that they provide a service for free to the community.

Ms. Matthews responded that if a member can demonstrate residency, then the resident fee rate would apply. She suggested that if Council is uncomfortable with the fee to be charged, that the number of free rentals be bumped up rather than adding an additional fee category. She indicated that staff has discussed this extensively. These groups used 100 rentals during 2004. The policy is not to diminish their contributions, but there are a lot of groups that wish to use the space. Freeing up the space will offer opportunities for new organizations rather than having one or two users dominate the space.

In response to questions, Ms. Haiduven explained that the number of the City's boards, commissions and committees will require some use of the upstairs conference room. Many new Recreation Department programs have been scheduled in the building now that more space is available. The prime times for use of the space is Tuesday, Wednesday and Thursday evenings. Daytime hours are more available. The 3:00 p.m. to 6:00 p.m. time slots are pretty full because of the after school programs.

Council questioned staff about use of Heffner. Ms. Haiduven responded that the facility requires that a staff member open and close it. The same fee structure applies there. During the weekend, we have a two hour minimum payment for our staff who have to work.

Ms. Matthews reminded Council that there is some charge associated with use of the facility. If less revenue is generated, the increased expenses will be paid by the taxpayers.

In response to a question from Ms. Austin-Lane, Ms. Matthews indicated that if a Councilmember is hosting a meeting related to Council business there would be no charge. If Councilmembers reserve a room not in their official capacity, that would not be a free rental.

Mr. Seamens expressed concern about the impact on the Takoma Singers and the Community Band.

Ms. Austin-Lane said she wanted a commitment that whatever Council agrees to will be evaluated in a reasonable period of time. She commented that she believed that resident rates are still too high.

Ms. Matthews said that staff's recommendation is that all these policies be reviewed in a year.

Mr. Williams suggested raising the number of free uses to 12 per year.

Ms. Porter said the intention was to provide access to community groups at little or no cost. She said there is a reasonable distinction between community groups and residents who want to use the facility for private purposes. She suggested the fees for residents be lower, but nonresident fees should be at the market rate to get full value for the rental space.

Mr. Elrich recommended a \$5-\$10 hourly fee rather than the \$20 proposed. He also said he would prefer not to block up 40 nights a year with one group.

Ms. Austin-Lane questioned staff about the athletic groups.

Ms. Matthews said the list of information to be requested has not yet been developed, but indicated that the City does not want to be subsidizing for profit groups.

Mr. Seamens commented on his concern for residents who cannot afford the rental fees.

Ms. Haiduven noted there is a financial aid formula that the Recreation Department uses, but residents have to ask about it.

Ms. Haiduven commented on the importance of finalizing a fee structure so that staff can respond to people who call about reservations and rentals.

Mr. Corley added that most of the calls he is getting are from community groups.

Council continued the discussion, commenting on the need to maximize the usage of the space at off peak times by marketing, how to cover costs, how far in advance space can be reserved, how to accommodate special interest groups. They directed that the resident rates be reduced to \$10

per hour for the small rooms and \$20 for the large room. The number of free rentals was increased to 11. Council will revisit the issue in March. At that time staff is to provide user information, rental income information, and information on expenses to run the facility.

ADJOURNMENT

The Council adjourned for the evening at 11:56 p.m.